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Secretary for  
Environmental Protection

# California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger  
Governor

## CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION

### Evaluation Follow-up Meeting

**CUPA:** Sutter County Environmental Health Division

**Meeting Date:** January 29, 2007

Based on the corrective action responses, deficiencies 1, 3, and 6 are considered corrected and no further update is required. This document will serve as the CUPA's 2nd status report. The next status report is due April 29, 2007. The following is a status update for remaining deficiencies, which was obtained during a meeting with Cal/EPA on January 29, 2007:

**Deficiency #2:** The CUPA is not implementing and updating their Inspection and Enforcement Plan as mandated by law. Example of this include: the CUPA is not meeting inspection frequencies for HMRRP, CalARP, and Hazardous Waste Generators.

**Preliminary Correction Action:** By October 27, 2006, please read, update, and follow the CUPA Inspection and Enforcement Plan. Update the plan as needed.

**1/29/07 Cal/EPA Meeting Status Update:** The CUPA has request AEO guidance from Cal/EPA. Cal/EPA will provide guidance materials to the CUPA in February 2007. By March 31, 2007, the CUPA will amend their Inspection and Enforcement Plan to include the AEO enforcement tool.

**Deficiency #4:** The CUPA has not met the inspection frequency for the Business Plan Program.

**Preliminary Correction Action:** By July 27, 2007, and annually thereafter, the CUPA will inspect at least one third (33% per year) of the businesses subject to the Business Plan Program.

**1/29/07 Cal/EPA Meeting Status Update:** Since hiring the new inspector in October 2006, the CUPA has conducted compliance inspections at 67 of 483 businesses regulated under the Business Plan Program. The CUPA has developed a plan to ensure at least one third of the regulated business universe is inspected by the end of the fiscal year.

**Deficiency #5:** The CUPA has not met the inspection frequency for the CalARP Program.

**Preliminary Correction Action:** By July 27, 2007, and annually thereafter, the CUPA will inspect at least one third (33% per year) of the stationary sources subject to the CalARP Program.

**1/29/07 Cal/EPA Meeting Status Update:** Since hiring the new inspector in October 2006, the CUPA has conducted 2 joint inspections at stationary sources regulated under the CalARP Program. The CUPA has developed a plan to ensure at least one third of the regulated business universe is inspected by the end of the fiscal year. Currently, the CUPA has 12 stationary sources in Sutter County.

**Deficiency #7:** The CUPA's area plan has not been revised in the past three years.

**Preliminary Correction Action:** By September 27, 2006, the CUPA will develop a timeline for review and revision of the area plan.

**1/29/07 Cal/EPA Meeting Status Update:** The CUPA's timeline depicts them applying and obtaining a grant from OES to complete the update of the area plan. The CUPA will be applying for the grant in the fall of 2007. Once grant funding is obtained, the CUPA will initiate work to update the Area Plan.

**Deficiency #8:** The CUPA has not ensured that inventories or annual inventory certifications are current. 4 of the 12 business plan files reviewed did not have current inventories or inventory certifications.

**Preliminary Correction Action:** Beginning immediately, the CUPA will ensure that annual submissions include current inventories or certifications. By July 27, 2007, all business plans should be up to date.

**1/29/07 Cal/EPA Meeting Status Update:** The CUPA distribute reminders, with no-change certifications and inventory statements, with all annual invoices. The Cal/EPA representative reviewed several business records and found all to have either current inventories or certifications of no-change forms.

**Deficiency #9:** The CUPA is not obtaining business plans from all businesses subject to the business plan program. Specifically, many agricultural handlers are not being regulated under the business plan program, or are not being exempted from the provisions of the business plan program. At this time, agricultural handlers are not being inspected under the provisions of the business plan program.

**Preliminary Correction Action:** By September 27, 2006, the CUPA, in consultation with the Sutter County Agricultural Department, will develop a plan to evaluate which agricultural handlers are subject to the business plan program and take steps to either regulate these businesses or properly exempt them from the provisions of the business plan program.

**1/29/07 Cal/EPA Meeting Status Update:** In the summer of 2006, in coordination with the Sutter County Agricultural Department, the CUPA distributed business plan packages to all known agricultural handlers. As a result, the CUPA has obtained new business plans from a majority of their agricultural handlers. By the end of June 2007, the CUPA is closely coordinating their efforts with the Sutter County Agricultural Department to follow up on those few businesses that failed to submit the annual inventory to either bring into compliance or assist them in obtaining appropriate exemptions under the Business Plan Program. In FY 07/08, the CUPA plans to work with Decade Software to develop a mechanism to track and query their database to identify businesses that have not submitted their annual inventory statements or certifications of no-change. The CUPA currently tracks return to compliance and inspections due dates through their data system. In addition, Both CUPA and staff from the Agricultural Department are attending the CUPA Training conference in February 2007.

**Deficiency #10:** The CUPA has just begun to implement the hazardous waste generator program within its jurisdiction. When asked, the CUPA was able to provide eight completed hazardous waste generator inspection reports. The CUPA has only recently begun to inspect any of its 475 hazardous waste generators that have been identified by the CUPA.

**Preliminary Correction Action:** Immediately, the CUPA must begin conducting, documenting, and completing hazardous waste generator facility inspections, including tiered permitted facilities, at least once every three years. While there is not an established inspection frequency for the Hazardous Waste Generator Program, an inspection frequency of more than three years is considered inconsistent with the goal of coordinating inspections with other elements in the Unified Program, which is once every three years (or 33% per year) or less. Additional resources need to be committed to the hazardous waste generator program element. Also, the CUPA must expand its known universe of hazardous waste generators which so far has been identified to include farms of every size and small businesses that are below the threshold quantities which trigger the submittal of a HMBP, etc.

**1/29/07 Cal/EPA Meeting Status Update:** Since hiring the new inspector in October 2006, the CUPA has conducted inspections at 27 of 128 Hazardous Waste Generator facilities. The CUPA has developed a plan to ensure at least one third of the regulated business universe is inspected by the end of the fiscal year. The CUPA continues to compare their list of known generators with the list provided by DTSC.

**Deficiency #11:** The CUPA did not conduct a complete oversight inspection on 06/08/06. During the inspection, the following was noted: Inspector failed to inspect the entire facility grounds including satellite accumulation drums in various bay stations thru out the facility. Inspector misapplied SQG requirements to a LQG facility. Inspector failed to determine whether the owner was required to keep a written tank assessment on file certified by a qualified engineer registered in California as required by Title 22 Section 66265.192. Inspector failed to require the operator to make a hazardous waste determination of a metallic dust as required by Title 22 Section 66262.11. Inspector failed to determine whether the operator was required to keep written training records as required by Title 22 Section 66265.16.

**Preliminary Correction Action:** By October 27, 2006, address the Class I violation found during the oversight inspection for the CUPA evaluation. Any Class I violation must be addressed through a formal enforcement action according to the State Enforcement Response Policy. For assistance in using DTSC Enforcement Response Policy EO-02-003-PP, please contact your DTSC CUPA liaison. The CUPA shall take formal enforcement requiring the owner to provide a written tank assessment (including secondary containment) by an independent, qualified, engineer registered in California for all tanks located at the facility. All remaining items were corrected on site.

**1/29/07 Cal/EPA Meeting Status Update:** CUPA has sent a notice to the business owners requiring them to provide a written tank assessment (including secondary containment) by an independent qualified engineer registered in California, which was received by the CUPA in November 2006. In addition, the CUPA staff will be attending HWG training courses at the 2007 CUPA Training Conference.

CUPA Representative	_____	_____
	(Print Name)	(Signature)

Cal/EPA Representative	_____	_____
	(Print Name)	(Signature)